
**Rules of
Department of Economic
Development
Division 263—Licensed Clinical Social Workers
Chapter 3—Professional Responsibility**

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**Title 4—DEPARTMENT OF
ECONOMIC DEVELOPMENT
Division 263—Licensed Clinical
Social Workers**

Chapter 3—Professional Responsibility

4 CSR 263-3.010 Scope of Coverage

PURPOSE: This rule is promulgated to describe the scope of coverage and organization of the ethical standards for clinical social workers, authorized in section 337.630.2(15), RSMo.

- (1) The form and content of ethical standards for clinical social workers as that term is used in section 337.630.2(15), RSMo are embodied in the disciplinary rules set forth in eight (8) separate canons.
- (2) Each canon embodies a general concept from which disciplinary rules and ethical considerations are derived.
- (3) The ethical considerations are aspirational in character and represent the objective toward which each member of the profession should strive. They constitute a body of principles upon which licensed clinical social workers can rely for guidance in many specific situations.
- (4) The disciplinary rules, unlike the ethical considerations, are mandatory in character. The failure of a licensed clinical social worker to abide by any disciplinary rule in this chapter shall constitute unethical conduct and be grounds for disciplinary proceedings.

Auth: sections 337.627 and 337.630, RSMo (Cum. Supp. 1989). Original rule filed Sept. 18, 1990, effective Feb. 14, 1991.

4 CSR 263-3.020 Ethical Considerations of Canon 1—Moral and Legal Standards

PURPOSE: This rule is promulgated as a guide to assist applicants and licensees regulated by sections 337.600—337.639, RSMo in understanding the form and content of ethical standards for clinical social workers as they pertain to the disciplinary rules for Canon 1—Moral and Legal Standards.

- (1) The public should be protected from those who are not qualified to be licensed clinical social workers by reason of a deficiency in education, experience, moral standards or other relevant factors, but who nevertheless

attempt to or actually practice clinical social work. To assure the maintenance of high standards of the profession of clinical social work, licensed clinical social workers should assist the advisory committee for licensed clinical social workers and the Division of Professional Registration in promulgating, enforcing and improving requirements for admission to and for the practice of clinical social work.

- (2) Prior to recommending an applicant for licensure, a licensed clinical social worker should satisfy him/herself that the applicant is of good moral character. Although a licensed clinical social worker should not become a self-appointed investigator or judge of applicants for licensure, s/he should report to the advisory committee for licensed clinical social workers and/or the Division of Professional Registration all unfavorable information not otherwise privileged which s/he possesses relative to the character or other qualifications of an applicant.

- (3) The integrity of the profession can be maintained only if conduct of licensed clinical social workers, in violation of disciplinary rules, is brought to the attention of the advisory committee for licensed clinical social workers and/or the Division of Professional Registration.

Auth: sections 337.627 and 337.630, RSMo (Cum. Supp. 1989). Original rule filed Sept. 18, 1990, effective Feb. 14, 1991.

4 CSR 263-3.030 Disciplinary Rules of Canon 1—Moral and Legal Standards

PURPOSE: This rule is promulgated pursuant to section 337.630.2(15), RSMo and sets forth the disciplinary rules for Canon 1—Moral and Legal Standards.

- (1) A licensed clinical social worker shall be subject to discipline if s/he has made a materially false statement, or if s/he has deliberately failed to disclose a material fact requested in connection with his/her application for licensure as a licensed clinical social worker.
- (2) A licensed clinical social worker shall not recommend an applicant for licensure as a licensed clinical social worker who is known by him/her to be unqualified in respect to character, education, experience, citizenship, age or other relevant attributes.

- (3) A licensed clinical social worker shall not—
 - (A) Violate a disciplinary rule of professional conduct;

(B) Circumvent a disciplinary rule of professional conduct through the actions of another;

(C) Engage in conduct which is dishonest, deceitful or fraudulent;

(D) Allow the pursuit of financial gain or other personal benefit to interfere with the exercise of sound professional judgment and skills; or

(E) Use relationships with clients to promote, for personal gain or the profit of an agency, commercial enterprises of any kind.

- (4) A licensed clinical social worker shall report to the advisory committee for licensed clinical social workers or the Division of Professional Registration any known or suspected violations of the laws and regulations governing the practice of clinical social work which are not confidential.

- (5) A licensed clinical social worker shall respond to all requests for information and all other correspondence from the advisory committee or division.

- (6) Any applicant for licensure as a clinical social worker including applicants seeking approval of supervision shall provide all information requested. Failure to provide that information shall be cause for denial of licensure and/or registration of supervision.

- (7) A licensed clinical social worker rendering services to a client shall maintain professional records that include:

(A) The presenting problem(s), assessment, plan of action and progress notes;

(B) The fee arrangement;

(C) The date and substance of each contact with client;

(D) Notation and results of formal consults with other providers;

(E) A copy of all evaluative reports prepared or received as a part of the professional relationship; and

(F) A copy of a written communication with the client identifying the date and reason for termination of professional service if the licensed clinical social worker is in private practice.

- (8) To meet the requirements of these disciplinary rules, the licensed clinical social worker shall assure that professional records are maintained for at least five (5) years after date of service is terminated.

Auth: sections 337.627 and 337.630, RSMo (Cum. Supp. 1989). Original rule filed Sept. 18, 1990, effective Feb. 14, 1991.

4 CSR 263-3.040 Ethical Considerations of Canon 2—Licensed Clinical Social Worker-Client Relationship

PURPOSE: This rule is promulgated as a guide to assist applicants and licensees regulated by sections 337.600—337.639, RSMo in understanding the form and content of ethical standards for clinical social workers, as they pertain to the disciplinary rules for Canon 2—Clinical Social Worker-Client Relationship.

- (1) Licensed clinical social workers should make clear to clients the purposes, goals, techniques, rules of procedure and limitations that may affect the professional relationship at or before the time that is begun.
- (2) Licensed clinical social workers should not provide professional services to clients without being able to justify the basis upon which those services are rendered.
- (3) A licensed clinical social worker should be aware of his/her own mental health and emotional stability and the effect those have on his/her ability to provide appropriate services to clients and, when found to be inadequate, should seek to take appropriate action and/or treatment.
- (4) Licensed clinical social workers should be knowledgeable about the services available in the community and make appropriate referrals for their clients.
- (5) Licensed clinical social workers should maintain their accessibility to clients.
- (6) Licensed clinical social workers should make every effort to foster maximum self-determination on the part of the client.
- (7) A licensed clinical social worker should provide clients with specific information about any specialized or experimental activities in which they may be expected to participate.
- (8) A licensed clinical social worker should stress the personal risks involved in any services and help clients explore their readiness to face these risks.

(9) A licensed clinical social worker should inform clients about recording of sessions and how tapes will be used.

(10) A licensed clinical social worker should promote the welfare of clients in the selection, utilization and interpretation of assessment measures and strategies of intervention.

(11) A licensed clinical social worker should recognize the effects of socioeconomic, ethnic, gender, sexual orientation, disability, and racial and cultural factors on clients in assessment and planning services.

(12) When a client's judgment is seriously impaired, a licensed clinical social worker should use careful deliberation before assuming responsibility for the client. The client should resume responsibility for him/herself as quickly as possible.

(13) A licensed clinical social worker should be thoroughly familiar with, should observe and should discuss with clients, the legal limitations of the services or benefits offered to clients so as to facilitate honest and open communication and realistic expectations.

Auth: sections 337.627 and 337.630, RSMo (Cum. Supp. 1989). Original rule filed Sept. 18, 1990, effective Feb. 14, 1991.

4 CSR 263-3.050 Disciplinary Rules of Canon 2—Licensed Clinical Social Worker-Client Relationship

PURPOSE: This rule is promulgated pursuant to section 337.630.2(15), RSMo and sets forth the disciplinary rules for Canon 2—Licensed Clinical Social Worker-Client Relationship.

- (1) When a licensed clinical social worker has other relationships, particularly of an administrative, supervisory and/or evaluative nature with an individual seeking counseling services, the licensed clinical social worker shall not serve as the therapist but shall refer the individual to another professional.
- (2) A licensed clinical social worker shall not enter into a social relationship or business venture with a current client or with a person to whom the licensed clinical worker has at anytime within the previous twenty-four (24) months rendered psychotherapy for the treatment or amelioration of mental and emotional conditions.

(3) A licensed clinical social worker shall not engage in sexual intimacies with a current client or with a person to whom the licensed clinical social worker has at anytime within the previous twenty-four (24) months rendered professional services for the treatment or amelioration of mental and emotional conditions.

(4) A licensed clinical social worker shall not undertake or continue a professional relationship with a client when the competency of the licensed clinical social worker is or reasonably could be expected to be impaired due to mental, emotional, physiologic, pharmacologic or substance abuse conditions. If that condition develops after a professional relationship has been initiated, the licensed clinical social worker shall notify the client in writing of the termination of services and shall assist the client in obtaining services from another professional.

(5) A licensed clinical social worker shall not undertake or continue a professional relationship with a client when the objectivity or competency of the licensed clinical social worker is or reasonably could be expected to be impaired because of the licensed clinical social worker's present or previous familial, social, sexual, emotional, financial, supervisory, political, administrative or legal relationship with the client. If that dual relationship develops or is discovered after the professional relationship has been initiated, the licensed clinical social worker shall terminate the professional relationship in an appropriate manner, shall notify the client in writing of this termination and shall assist the client in obtaining services from another professional.

(6) A licensed clinical social worker shall terminate a professional relationship when it is reasonably clear that the client is not benefitting from the relationship or when the service has been satisfactorily rendered.

(7) A licensed clinical social worker shall protect clients against physical threats, intimidation and coercion in the provisions of social services insofar as is reasonably possible.

(8) A licensed clinical social worker shall not attempt any intervention unless thoroughly trained in its use or under the supervision of an expert.

Auth: sections 337.627 and 337.630, RSMo (Cum. Supp. 1989). Original rule filed Sept. 18, 1990, effective Feb. 14, 1991.

4 CSR 263-3.060 Ethical Considerations of Canon 3—Professional Relationships

PURPOSE: This rule is promulgated as a guide to assist applicants and licensees regulated by sections 337.600—337.639, RSMo in understanding the form and content of ethical standards for clinical social workers, as they pertain to the disciplinary rules for Canon 3—Professional Relationships.

(1) A licensed clinical social worker should act with integrity in his/her relationships with colleagues, other organizations, agencies, institutions, referral sources and other professionals so as to facilitate the contribution of all professionals toward achieving optimum benefit for clients.

(2) A licensed clinical social worker should treat colleagues with respect, courtesy, fairness and good faith. The licensed clinical social worker has the responsibility to relate to the clients of colleagues with full professional consideration.

(3) A licensed clinical social worker who employs or supervises other individuals should facilitate the professional development of those individuals. The licensed clinical social worker should provide appropriate working conditions, timely evaluations, constructive consultation and experience opportunities.

(4) A licensed clinical social worker should ensure that there is fair mutual understanding of the services plan by all cooperating professionals and that any such plan is developed with mutual understanding.

Auth: sections 337.627 and 337.630, RSMo (Cum. Supp. 1989). Original rule filed Sept. 18, 1990, effective Feb. 14, 1991.

4 CSR 263-3.070 Disciplinary Rules of Canon 3—Professional Relationships

PURPOSE: This rule is promulgated pursuant to section 337.630.2(15), RSMo and sets forth the disciplinary rules for Canon 3—Professional Relationships.

(1) A licensed clinical social worker shall not knowingly cause a client to terminate the service of another professional solely for the licensed clinical social worker's personal gain.

(2) A licensed clinical social worker shall not exploit his/her professional relationships with supervisors, colleagues, supervisees, students or employees sexually, economically or otherwise.

Auth: sections 337.627 and 337.630, RSMo (Cum. Supp. 1989). Original rule filed Sept. 18, 1990, effective Feb. 14, 1991.

4 CSR 263-3.080 Ethical Considerations of Canon 4—Public Statements/Fees

PURPOSE: This rule is promulgated as a guide to assist applicants and licensees regulated by sections 337.600—337.639, RSMo in understanding the form and content of ethical standards for clinical social workers, as they pertain to the disciplinary rules for Canon 4—Public Statements/Fees.

(1) A licensed clinical social worker should consider the value of his/her services and the financial ability of clients in establishing reasonable fees for professional services.

(2) A licensed clinical social worker should not accept a fee for professional services or any form of remuneration from clients who are entitled to services from that licensed clinical social worker or similar services through an institution or agency or other benefits structure, unless clients have been fully informed of the availability of, or payments for, these services from other sources.

(3) In describing clinical social work services to the general public, a licensed clinical social worker should be guided by the primary obligation to aid the public in developing informed judgments, opinions and choices and should avoid presentation of the information through sensationalism, exaggeration or superficiality.

(4) A licensed clinical social worker should not accept for professional services any form of remuneration including the bartering of services which has the effect of exploiting the professional relationship or creating a dual relationship.

Auth: sections 337.627 and 337.630, RSMo (Cum. Supp. 1989). Original rule filed Sept. 18, 1990, effective Feb. 14, 1991.

4 CSR 263-3.090 Disciplinary Rules of Canon 4—Public Statements/Fees

PURPOSE: This rule is promulgated pursuant to section 337.630.2(15), RSMo and sets forth the disciplinary rules for Canon 4—Public Statements/Fees.

(1) A licensed clinical social worker (LCSW) shall not give or receive a commission or rebate or any other form of remuneration for referral of clients for professional services.

(2) A licensed clinical social worker shall not engage in fraud or misrepresentation.

(3) A licensed clinical social worker shall use the title LCSW in any advertising, public directory or solicitation, including telephone directory listings, regardless of whether this presentment is made under the licensee's name, a fictitious business or group name, or a corporate name.

(4) A licensed clinical social worker shall not use relationships with clients to promote, for personal gain or the profit of an agency, commercial enterprises of any kind.

(5) A licensed clinical social worker shall have his/her license prominently displayed at all times as proof of licensure to the client.

(6) Without disclosure to the client, a licensed clinical social worker shall not accept compensation for the professional services from anyone other than the client.

(7) A licensed clinical social worker shall ensure that clients are aware of fees and billing arrangements before rendering services.

*Auth: sections 337.627 and 337.630, RSMo (1994). *Original rule filed Sept. 18, 1990, effective Feb. 14, 1991. Amended: Filed Jan. 11, 1995, effective June 30, 1995.*

**Original authority: 337.627, RSMo (1989), amended 1993 and 337.630, RSMo (1993).*

4 CSR 263-3.100 Ethical Considerations of Canon 5—Confidentiality

PURPOSE: This rule is promulgated as a guide to assist applicants and licensees regulated by sections 337.600—337.639, RSMo in understanding the form and content of ethical standards for clinical social workers as they pertain to the disciplinary rules for Canon 5—Confidentiality.

(1) Licensed clinical social workers should respect the confidentiality of information obtained from clients in the course of their work.

(2) A licensed clinical social worker should take reasonable personal action, or inform responsible authorities or inform those persons at risk, when the conditions or actions of clients indicate that there is clear and imminent danger to clients or others. When the licensed clinical social worker is uncertain about the duty to warn, consultation with other professionals may be appropriate.

(3) A licensed clinical social worker should make every effort to see that the employer provides for maintenance, storage and disposal of the records of clients so that unauthorized persons shall not have access to these records.

Auth: sections 337.627 and 337.630, RSMo (Cum. Supp. 1989). Original rule filed Sept. 18, 1990, effective Feb. 14, 1991.

4 CSR 263-3.110 Disciplinary Rules of Canon 5—Confidentiality

PURPOSE: This rule is promulgated pursuant to section 337.630.2(15), RSMo and sets forth the disciplinary rules for Canon 5—Confidentiality.

(1) A licensed clinical social worker shall inform clients at the onset of the professional relationship of the limits of confidentiality.

(2) A licensed clinical social worker shall keep confidential his/her therapy relationships with clients including information obtained from this relationship with clients with the following exceptions:

- (A) When the client gives written consent;
- (B) When the client constitutes a danger to him/herself or to others;
- (C) When the licensed clinical social worker is under court order to disclose information; or
- (D) When required by law.

(3) A licensed clinical social worker shall not forward to another person, agency or potential employer any confidential information without the written consent of clients or their legal guardians.

Auth: sections 337.627 and 337.630, RSMo (Cum. Supp. 1989). Original rule filed Sept. 18, 1990, effective Feb. 14, 1991.

4 CSR 263-3.120 Ethical Considerations of Canon 6—Research on Human Subjects

PURPOSE: This rule is promulgated as a guide to assist applicants and licensees regulated by section 337.600—337.639, RSMo in understanding the form and content of ethical standards for clinical workers, as they pertain to the disciplinary rules for Canon 6—Research on Human Subjects.

(1) A licensed clinical social worker should ensure that data for research meet rigid standards of validity, honesty and protection of confidentiality.

(2) A licensed clinical social worker should ensure that the welfare of clients is in no way compromised in any experimentation.

(3) A licensed clinical social worker should be aware of and responsive to all pertinent guidelines on research with human subjects.

(4) In presenting case studies in classes, professional meetings or publications, licensed clinical social workers should disguise the content to ensure full protection of the identity of clients.

(5) A licensed clinical social worker should recognize that honesty and openness are essential characteristics of the relationship between licensed clinical social workers and research participants. When methodological requirements of a study necessitate concealment or deception, licensed clinical social workers should ensure that participants understand the reasons for this action.

(6) A licensed clinical social worker should publish research findings to enhance the profession.

Auth: sections 337.627 and 337.630, RSMo (Cum. Supp. 1989). Original rule filed Sept. 18, 1990, effective Feb. 14, 1991.

4 CSR 263-3.130 Disciplinary Rules of Canon 6—Research on Human Subjects

PURPOSE: This rule is promulgated pursuant to section 337.630.2(15), RSMo and sets forth the disciplinary rules for Canon 6—Research on Human Subjects.

Editor's Note: The secretary of state has determined that the publication of this rule in its entirety would be unduly cumbersome or

expensive. The entire text of the material referenced has been filed with the secretary of state. This material may be found at the Office of the Secretary of State or at the headquarters of the agency and is available to any interested person at a cost established by state law.

(1) In conducting any research on human subjects, a licensed clinical social worker shall not violate any laws of this state or the federal government.

(2) A licensed clinical social worker shall not require a client to participate in research projects against his/her will.

(3) When planning any research activity dealing with human subjects, a licensed clinical social worker shall ensure that research problems, design and execution are in full compliance with Protection of Human Subjects as published in the *Code of Federal Regulations* (45 CFR 46).

Auth: sections 337.627 and 337.630, RSMo (Cum. Supp. 1989). Original rule filed Sept. 18, 1990, effective Feb. 14, 1991.

4 CSR 263-3.140 Ethical Considerations of Canon 7—Competence

PURPOSE: This rule is promulgated as a guide to assist applicants and licensees regulated by sections 337.600—337.639, RSMo in understanding the form and content of ethical standards for clinical social workers, as they pertain to the disciplinary rules for Canon 7—Competence.

(1) A licensed clinical social worker should continuously strive through reading, attending professional meetings and taking courses of instruction to keep abreast of new developments, concepts and practices that are essential to providing the highest quality of services to his/her clients.

(2) A licensed clinical social worker who is an educator should perform his/her duties based on careful preparation so that the instruction is accurate, up-to-date and scholarly.

(3) Clinical social work is a broad area covering many areas of social work. Licensed clinical social workers should limit their practice to the area(s) for which they are trained.

(4) Following the twenty-four (24) months of required supervised clinical experience, newly licensed clinical social workers should arrange to have one (1) hour of case consultation supervision for every thirty (30) hours of face-to-face contact with clients. Licensees with five (5) years or more experience should utilize consultation on an as-needed, self-determined basis.

(5) Licensed clinical social workers should be knowledgeable about how and when to utilize the expertise of other professional disciplines for their clients.

Auth: sections 337.627 and 337.630, RSMo (Cum. Supp. 1989). Original rule filed Sept. 18, 1990, effective Feb. 14, 1991.

4 CSR 263-3.150 Disciplinary Rules of Canon 7—Competence

PURPOSE: This rule is promulgated pursuant to section 337.630.2(15), RSMo and sets forth the disciplinary rules for Canon 7—Competence.

(1) A licensed clinical social worker shall not engage in the practice of clinical social work beyond the scope of his/her competence, as is demonstrated by his/her education, training or experience.

(2) Licensed clinical social workers shall seek treatment for their own medical, psychological and emotional problems to ensure that their personal problems do not interfere with their ability to provide services to clients.

(3) Each licensed clinical social worker shall complete thirty (30) clock hours of continuing education in the area of clinical social work during each term of licensure as described in 4 CSR 263-2.080(6).

*Auth: sections 337.627 and 337.630, RSMo (1994). * Original rule filed Sept. 18, 1990, effective Feb. 14, 1991. Amended: Filed Jan. 11, 1995, effective June 30, 1995.*

**Original authority: 337.627, RSMo (1989), amended 1993 and 337.630, RSMo (1986).*

4 CSR 263-3.160 Ethical Considerations of Canon 8—License Credentials

PURPOSE: This rule is promulgated as a guide to assist applicants and licensees regulated by sections 337.600—337.639, RSMo in understanding the form and content of the ethical standards for clinical social workers, as they pertain to the disciplinary rules for Canon 8—License Credentials.

(1) The protection of the public against unqualified and unprofessional services is premised on the licensing of qualified clinical social workers. A licensed clinical social worker should encourage all qualified clinical social workers to seek licensure whether or not they are exempt.

Auth: sections 337.627 and 337.630, RSMo (Cum. Supp. 1989). Original rule filed Sept. 18, 1990, effective Feb. 14, 1991.

4 CSR 263-3.170 Disciplinary Rules of Canon 8—License Credentials

PURPOSE: This rule is promulgated pursuant to section 337.630.2(15), RSMo and sets forth the disciplinary rules for Canon 8—License Credentials.

(1) A licensed clinical social worker shall use only those educational credentials in association with his/her licensure and practice as a clinical social worker that have been earned at an acceptable educational institution.

(2) Registrants or individuals whose licenses have lapsed or been revoked shall not use the title licensed clinical social worker.

Auth: sections 337.627 and 337.630, RSMo (Cum. Supp. 1989). Original rule filed Sept. 18, 1990, effective Feb. 14, 1991.